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JUSTICE'S MANUAL:

OR

SUGGESTIONS FOR JUSTICES OF THE PEACE:

TO WHICH ARE APPENDED,

FORMS OF COURT IN USE IN CALCUTTA;

AN ABRIDGMENT OF THE

CONSTRUCTIONS AND CIRCULAR ORDERS

RELATIVE TO THE

DUTIES OF JUSTICES AND MAGISTRATES,

AND AN ABSTRACT OF SOME OF THE MORE IMPORTANT

ACTS AND REGULATIONS.

FROM THE SERAMPORE PRESS.

1847.

JOHN CASHMAN, PRINTER.

THE following suggestions, with a few additions and a few alterations, principally to adapt them to this country, are a reprint of those circulated by the Vice Lieutenant of a county in Ireland, to the Magistrates under him.

I met with "the Suggestions" whilst at home on furlough, and it struck me that they might be useful to Justices of the Peace residing in these Provinces, and distant from all legal advice.

The forms are those in use in Calcutta, and have been obligingly furnished by the Chief Magistrate.

I have also added, for the purpose of more convenient reference, an Abridgment of the Constructions, and Circular Orders of the Sudder Nizamut Adawlut, relating to the duties of the Justices of the Peace, and Magistrates, with an Abstract of some of the more important Regulations and Acts of Government, with reference to the same.

R. MONTGOMERY.

Cawnpore, June 1st, 1847.

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JUSTICE'S MANUAL.

A Justice ought not to interfere in any case in which he is personally interested. To this very general rule, there is, however, one exception, viz. when a Justice is assaulted or abused in the execution of his office, and no other Justice is nigh, in such case he may immediately commit the assailant until he find sureties of the peace for good behaviour.

1. Where the party complaining applies for a Warrant, or where before granting a summons, an information upon oath is proper, the party complaining, or his witness, should be examined upon oath; but, before administering the oath, it is recommended that the Magistrate shall ascertain, by a short inquiry, who, and what the witness is, and the facts to which he can depose, by permitting him to detail the transaction in his ordinary manner; and if it plainly appear that he cannot depose to any material fact in support of the complaint, the Magistrate will exercise his discretion in not examining him, as it is desirable to avoid administering an oath, unless its necessity be apparent. By such previous enquiry, also, the Magistrate may be made acquainted with local descriptions, and collateral circumstances, which may happen to be useful auxiliaries to the comprehension of the principal facts, and he will often be enabled,

by the manner of the parties, to discover whether they are speaking truth, or combining in the assertion of falsehood.

2. If in such case, it appear, that the party preferring the complaint can depose to any material fact, he should be sworn or affirmed. The witness should then be examined by the Justice, and his deposition carefully taken down in writing, as nearly as possible, in the words used by the witness; and it seems better, in general, to take it in the first person, "I saw, &c." instead of saying, "He, this examinant, saw, &c." The introduction of technical terms should be avoided, but all facts and circumstances ought to be introduced which are necessary to prove the offence, or which have a bearing upon the case, in order that the witness may be tied down to his narrative, and not left open to subsequent influence. Nothing, therefore, which is material, or that has any bearing on the case, and to which the witness can depose, ought to be omitted, or in any wise misrepresented in committing it to paper; so that, on the one hand, the prisoner may know what he shall have to answer at his trial, and be protected against the contradictory statements of the witnesses; and on the other, that there shall be no risk of the ends of justice being defeated, as has often happened by the witness at the trial stating facts which do not appear in his informations, or which appear irreconcilable with his written depositions. The Justice should also be careful to ascertain that the facts deposed to are within the knowledge of the witness, and are not given on his opinion, or from hearsay. After the examination of each witness is concluded, it should be distinctly read to him, in order that he may have an opportunity of correcting any thing that may be amiss in it. If he assents to its correctness, he should be called upon to sign it in attestation of its accuracy. These suggestions of course apply to proceedings *after* warrants have

been granted and the prisoner has been arrested, as well as to proceedings prior to the granting of warrants, and therefore after a witness has been examined, where the prisoner has been arrested, he should then be called upon to cross-examine the witness, if he think proper, to the facts deposed to, and the answers of the witness to the cross-examination ought also to be taken down, and returned to the Court. It should be borne in mind that the Statute 9th Geo. IV. Cap. 74, Sects. 2 and 3, requires that all the material facts and circumstances shall be set forth, and this is requisite, as well, in order that the officer of the Court before which the trial is to be had, may thereby be able to frame a correct Bill of Indictment, as also that the Court may have the means of ascertaining by reference to the statement contained in the information, whether the testimony of the witness at the trial corresponds therewith, which is occasionally of the last importance in testing the credit of the witness.

3. When the person accused is brought before the Magistrates, the prosecutor or witness should, in all cases, attend and be sworn, to identify the prisoner. If the original information, taken at the time the complaint was made contains a full statement of the case, and the witnesses for the prosecution have nothing further to depose, except to identify the prisoner, it is not usual to require a second information to the same facts; but in such case the witnesses are re-sworn, in the presence of the prisoner, to the truth of their former depositions, and also to the identity of the prisoner, which latter statement, must be subjoined to the original information, and the information being then read distinctly to the witnesses, in the presence of the prisoner, the latter is permitted to cross-examine the witnesses respecting the matters therein charged against him. (See No. 2). If he decline to do so, or if nothing additional is

elicited, a fresh jurat is made to the original information, with the additional averment, above stated, as to the identity of the prisoner. But in this case, the witnesses should be thus re-sworn to their former informations, and not merely called upon to re-assert their truth.

4. When a fresh information is requisite, or additional matter is to be introduced into the original information, the suggestions above made (in Nos. 2 and 3) are applicable, observing to state, that it has been taken in the presence, and hearing of the prisoner.

5. The evidence of the accused having been read over to him, so as to make him fully acquainted with the charge, he should be asked, if he wishes to say any thing in answer to it; the Magistrate at the same time informing him that he is not bound to state any thing, or to make any disclosure which may criminate himself, but that whatever he may state will be taken down, and may afterwards be used in evidence against him, and that he is not to hope for favour, though he should confess the crime; but the Magistrate is not to dissuade him from confessing, as this would be to close up one of the sources of justice; care should be taken that neither promises nor threats are held out to induce the accused to make any admission against himself, and that any admission received is not the consequence of promises or threats. What the accused then states should be taken down in writing—the heading of the paper in which it appears having been previously prepared—and his statement should be done, at the time such statement is made by him, and as nearly as possible in *the very words used by him.* Attention to this latter caution cannot be too strongly enforced, and for this purpose, it is again suggested, as in the case of taking information (Supra No. 2) that the statement be taken down as it is usually made, in the first, not the third person. This statement should then be perused by

the accused, or read over to him in such a deliberate manner that he may perfectly comprehend it; he should thereupon be asked if it be true, and what he has intended to state; and if he say that it is, he should be asked to sign it, and the signature of the Magistrate should be also affixed. But though the accused should refuse to sign it, if he admit its truth, it should be signed by the Magistrate, and returned with the information. It should always be borne in mind, that this examination of the accused is intended by the law, as a privilege in his favour, in order that if innocent he may at once free himself from suspicion, and regain his liberty.

6. If several prisoners are implicated in the same charge, it is advisable, especially in offences of a serious character, that their statements be taken separately, and not in the presence of each other.

7. If from the absence of witnesses, or from any other reasonable cause, it become necessary or expedient to defer the examination, or to continue it at a future day, the Magistrate has, for such purpose, a discretionary power to remand the accused for further examination, and bring him forward as often as he considers it necessary for the ends of justice; but in the exercise of this discretion, he ought to take care that the postponement be not for a longer time than is necessary for the due investigation of the case; that it be bonâ fide for re-examination, and not for the purpose of extorting a confession or the like; and that the time for which the accused is remanded, is a reasonable time, not exceeding three or four days. Where a Magistrate has a discretionary power to take bail, and he has reason to believe that by adjourning the enquiry, the accused may be enabled to bring forward such evidence as will induce him to take bail, it will be proper to commit, not for trial, but for further examination only; or, if upon

such charge, at any time previous to first committal for trial, he decide that bail ought to be taken, and if the accused has not his bail ready, he may by remanding him in like manner, give him a reasonable time to procure it. A commitment for further examination, if for more than a single day, should be by warrant in writing until a stated day, and the reason for postponement should appear in the body of the commitment.

8. The declaration of a person in extremity, or what is called his dying declaration, that is, a declaration by a person in a consciously dying state and under the impression of presently impending dissolution, stating the mortal injury inflicted upon him, made *in the absence of the prisoner*, is properly taken without oath. In such case, the Magistrate does not, in strictness, act in his Magisterial capacity, or with authority to administer an oath, as in the case of an information taken under the Statute. But it is desirable that a Magistrate should be called upon, in a matter of such solemn import, in preference to any person of less experience, and information. A dying declaration, however, when taken upon oath, extra-judicially administered, is not inadmissible in evidence, although it obtains no additional sanction thereby. If taken in the presence and hearing of the prisoner, it becomes an information, and is to be taken upon oath, subject to the observations suggested Supra No. 2; and in either case, should be taken in the words used by the person making it. If the accused be present, particular care should be had as to his *identification* by the dying man; and if he be not present the most minute description of him should be obtained, by name, residence, &c. &c., so that there may be no doubt as to the person charged, or confusion between him and others of the same name or family.

Of the Form of the Information, and the Statements proper for particular cases.

9. In every information it is absolutely necessary to state the proper Christian and surname of the different persons swearing the informations, and also their true addition or employment (as soldier, shop-keeper, tailor, &c. &c.,) and the name of the district, station, or village, in which each of them lives. These particulars are requisite for the information of the officer of the Court, in preparing the indictment, and also in returning the estreats of recognizances forfeited, he being obliged to make oath, that all these circumstances are truly set forth to the best of his knowledge. The place where the offence was committed ought also to be particularly mentioned.

10. In all cases where a woman is either the prosecutor or the prisoner, be particular in stating whether she be married or single; and if married, the name, residence, and addition of her husband; and give the full Christian name of each, without any abbreviations.

11. In cases of Larceny, describe accurately and distinctly what the stolen articles are, and never use general words, such as "wearing apparel, shop goods, implements," &c. &c., but state each article stolen, distinctly by name; ascertain clearly the owner of the property, and in case several articles have been stolen by the prisoner, belonging to different persons, state particularly the articles belonging to each. Be very particular in stating the date when, and the place where the property was found; and every circumstance which can assist in determining whether the Indictment should be for stealing, or for receiving the property knowing it to be stolen. The Magistrates should take care that the property can be accurately traced at the trial, through all the hands into which it may have passed, from the time of its being found, till its production in Court. It

would greatly simplify a case if the property could be allowed to remain in the custody of the first finder, and in the event of his not being trustworthy, then in the hands of the first next who may be so, and who may produce it at the trial. Several transfers from a Chowkedar to a Naik, then to a Jemadar, and so on weaken the chain of communication. The Magistrate must deal with the property as with a witness, and take such measures as are needful to secure its production, and identification, and all persons necessary for these purposes must be bound to prosecute.

12. In cases of cattle stealing, it is better to be particular in describing accurately the sex of the animal stolen; for instance, in the case of horses, whether the animal was an entire horse, a mare, a gelding, a colt or a filly. In the case of sheep, whether the animal was a ram, a ewe, a wether, or a lamb.

13. In cases of stealing money, mention, as distinctly as possible, of what items the money stolen consisted. For instance when one hundred rupees has been stolen, say, four twenty rupee *notes* of the Bank of Bengal (or whatever other bank may have issued them,) one gold mohur, and four rupees.

14. Mention whether the articles, or money, were stolen from the person of the Prosecutor, or not, and if from the person, whether at the time of, or immediately before, or immediately after the robbery, the accused did stab, cut or wound the Prosecutor, and also whether the accused was armed with any weapon, and what it was; whether one or more persons were concerned in the robbery; and whether, at the time of, or immediately before, or immediately after, the robbery, the accused or any person with him, beat, struck, or used any other personal violence to the Prosecutor. The same circumstances ought to be ascertained and stated, if the charge be of assault with intent to rob.

15. In informations against a receiver of stolen goods, if the person who stole them be known, mention his name.

16. In cases of obtaining money or goods under false pretences, describe the whole conversation and conduct of the prisoner, as accurately as possible; and in cases of cheating, be as minute as you can in stating the frauds practised. If the prisoner obtain money or goods under a false written order, be very particular in setting out the order verbatim; but in general, the best course to adopt is to affix the order to the information, after it has been *marked* for identification, by all the parties whose informations have referred to it, or at least by the Magistrate himself who shows it to them.

17. In cases of embezzlement of money or goods, or any valuable security, by clerks, servants or agents, state particularly what was embezzled, and all the circumstances under which it was done; by which of these three descriptions of persons it was done; and, if by an agent, whether he had received any instructions in *writing*, how to apply the money.

18. In all cases of breaking into a dwelling house, mention the hour* at which it was done, and the acts of the prisoner thereupon; and in cases of breaking and stealing therefrom, state whether the prisoner in so doing, had broken into, or out of the dwelling house, and at what hour. In cases of stealing from a dwelling house, in the day time, or without breaking into it, or out of it at night, state whether any person who was in the dwelling house at the time was put in fear, and the value of the things. In cases of breaking into an out-house, and stealing therefrom, state

* So far as the same is essential to burglary, the night is to be considered, and is declared to commence at 9 o'clock in the evening of each day, and to conclude at 6 o'clock in the morning of the next day.

whether the out-house communicates with the dwelling house by an enclosed or covered passage, or whether it is a shop, warehouse, or godown, without any such communication.

19. In cases of the demand of property, arms, &c., with menaces, or by force, state the very words used by the accused in making the demand, and the terms by which he described the article demanded.

20. In cases of forged notes, mention the name of the Bank (and if a Branch Bank, what Bank,) the date, the sum, the number, and the signature of the clerk. In these cases the note may be affixed to the informations, after it shall have been marked for identification by all the parties whose informations have referred to it, or at least by the Magistrate himself who shows it to them, as is suggested in the preceding number (16) with respect to written orders.

21. In cases of passing bad coin, collect and state all previous instances of the prisoners having passed bad coin, and the times when they did so; whether any of the prisoners had any bad coin in their possession when taken into custody, and how many pieces. Mention distinctly the different kinds of coin, as directed in the 12th suggestion, respecting larceny of coin. The coins should also be carefully marked for identification, by every person through whose hands they may have passed before the detection and arrest of the prisoner; and care should also be taken, that after having been so marked, they are sealed up by the Nazir, or other person to whose charge they may be confided, so as to be produced in that state at the trial. Sealing by the Nazir in the presence of the first finder, and re-opening before the Judge on the trial would obviate the necessity of marking the coin, and this course may therefore be adopted where it is feasable. It is also of great importance that the precise nature of the transaction in which the prisoner

passed, or attempted to pass, the coin in question, should be particularly set out by the information, together with his conduct upon his examination before the Magistrate.

22. In all cases of violence to the person, such as murder, rape, stabbing, cutting, or wounding, or assault, be as minute as possible in describing the different acts done by each of the persons accused. In cases of assault, state whether the injury be such as to endanger life, or to inflict grievous bodily harm, or to disfigure; and in all, when committed with fire arms, or dangerous weapons, the instruments, if discovered, should be preserved, and marked for production and identification, at the trial. In case the Justice shall find the assault and battery complained of was not accompanied by any attempt to commit felony, or shall be of opinion that it is not a fit subject for a prosecution by indictment, he may proceed in a summary manner to hear and determine the offence.

23. In cases of rescue, observe the same care in describing the articles rescued, and in stating whose property they are, together with the name of the place where the offence was committed, as directed in the 11th suggestion, with respect to goods stolen; and state also, whether the goods rescued were under seizure as a distress for rent, or in execution of a Civil Bill decree, or Sheriff's warrant.

Note.—The oath should be administered before a deposition is taken down, not, as is sometimes the case, after it is taken down and when it is about to be read to the witness. All erasures and interlineations should be avoided as much as possible, and, when made, a memorandum of the fact should be affixed by the Magistrate.

24. The Magistrate, having heard the examinations and ascertained that the accused is not entitled to be discharged, is next to determine, whether he will bail or commit him. If the offence be a misdemeanour, the

accused may insist on his being admitted to bail, and then the only question is, as to the amount, and solvency of the sureties. When any person shall be charged with felony, or suspicion of felony, and the charge is supported by creditable evidence of the fact, the Justice may commit to prison. On the other hand, if the evidence given before him, shall not be such as to warrant a strong presumption of guilt, nor to warrant the dismissal of the charge, he may admit to bail. When the party accused is admitted to bail, be careful to set forth the particulars above stated (see No. 9) and also to state with particularity the offence for which the party so admitted to bail is committed. Magistrates have a discretionary authority as to the amount of bail. Such sum to be determined according to the affluence and rank of the prisoner, and the nature and enormity of the offence. In general two bails are required. Infants and married women, who cannot themselves be bound, ought to procure some person to be bound for them. In case of refusal they may be committed.

25. The warrant of committal should state the offence concisely, but with convenient certainty.

26. When the party accused is committed to custody, the case should be sent for the earliest trial, the prisoner being entitled, if innocent, to his liberty as soon as possible.

27. Magistrates ought to inform all persons bound to prosecute, or give evidence, that they must attend at the court early on the day on which the Grand Jury is to be sworn, to be examined; indeed they must attend every day, unless they can ascertain that the trial is fixed for any particular day, as otherwise their recognizances will be estreated.

Of suppressing Breaches of the Peace.

28. The office of Justice of the Peace was instituted by an Act passed in the reign of Edward I. which directs that in every county, good and lawful men shall be assigned to keep the peace. This assignment is by the King's commission, and the duty of Justice of the Peace is, as that of Conservators of the Peace was, to employ their own, and to command the help of others, to arrest and pacify all persons who, in their presence, and within their jurisdiction and limits, by word or deed, shall go about to break the peace.* If a Justice finds persons riotously assembling, he alone has not only power to arrest the offenders, and bind them to their good behaviour; or imprison them if they do not offer good bail; but he may also authorize others to arrest them by a bare parole command *without warrant;* and by force thereof, the persons so commanded may pursue and arrest the offenders in his absence. It is a criminal offence, for which he is punishable on information, for a Justice to refuse to interfere for the preservation of the peace, and it is no excuse for him to say he was afraid—his fear must arise from actual danger, such as would affect a constant and firm man—he must do all that he knows to be in his power, and that can be expected from a man of ordinary prudence, firmness, and activity—he ought on the first instance to call on the Police; if they cannot be procured in sufficient force, private persons, or even the Military may be called in; but it does not form any part of the duty of the Justices to marshal, or array the Police, or Military, or to head them when actually engaged in quelling a riot; that belongs to the officers of these respective forces. No prudent military man would act without a Magistrate, or at least an order

* These suggestions will be of use when Justices of the Peace are called upon to prevent duels.

from him, which is all that is required. If the Magistrate finds that the riot cannot be otherwise quelled, he should read aloud the proclamation from the Riot Act, 27 Geo. III. C. 15, which is as follows: "Our sovereign Lady the "Queen chargeth and commandeth all persons being assem-"bled, immediately to disperse themselves, and peaceably "to depart to their habitations, or to their lawful business "upon the pains contained in the Act, made in the 27th "year of King George the Third, to prevent tumultuous "risings and assemblies." He need not wait until the disturbance has amounted to what the law calls a riot; he is justified in reading the proclamation if the assembly be such that there would be a riot, if the parties were to carry their purpose into effect. The reading of the proclamation operates as a notice; it is a step in terrorem; but it is not necessary as the Magistrate may repel force by force. It is primâ facie the duty of a Magistrate to read the proclamation, but this duty depends on circumstances, for he may be alone, and not able to do it. When the proclamation is read more than once, the *hour* will be counted from the first reading; but it should not be imagined, that, because the law allows an hour for a mob to disperse, the Civil power, and the Magistracy during that time are powerless. The Magistrates are still in possession of those powers which the law has given them.

29. Any person who encourages, or promotes, or takes part in riots, whether by words, signs, or gestures, is himself to be considered as a rioter, and is liable to be arrested for a breach of the peace.

Of Sureties of the Peace, and of Good Behaviour.

30. Justices, by virtue of their commission, which enables them to cause to come before them those who have used threats to others, to find sufficient security for the peace and good behaviour, and if they refuse to find such security, then to lodge them in prison, until they find such security, &c. are empowered to require sureties of the peace and good behaviour, and also bind over to keep the peace for a specified time.

31. Recognizances entered into by any person before any tribunal or Justice of the Peace, conditional that such person shall keep the peace to Her Majesty's subjects, or to any particular person, shall, immediately after the same shall be so acknowledged, be returned to the Clerk of the Crown. In case any person who shall enter into such recognizance shall commit any breach of the peace, or in any manner violate the conditions of the recognizances, the Judges of the Supreme Court on due proof, that the person so bound had committed a breach of the peace, are to order that such recognizance shall be forfeited, to such amount as they shall think fit. To be levied by their warrant.

SCHEDULE OF FORMS.

No. 1. Deposition of a Christian Witness.

2. Deposition of a Native Witness.

3. Summons.

4. Warrant of Arrest.

5. Examination of a Christian Prisoner.

6. Examination of a Native Prisoner.

7. Commitment for re-examination.

8. Commitment for Larceny, &c.

9. Commitment for Assault in default of fine.

10. Commitment for Trial in Calcutta.

11. Recognizance to prosecute at the Sessions.

12. Recognizance to give evidence at the Sessions.

13. Recognizance of accused, and his bail to Indictment.

14. Liberate.

15. Deposition for swearing the Peace.

16. Warrant for Apprehension in Do.

17. Recognizance with Sureties to keep the Peace.

18. Personal Recognizance.

19. Sureties for Good Behaviour.

20. Form of Oath.

No. 1.

Deposition of a Christian Witness.

The Information and Deposition of
taken upon Oath before me
of Her Majesty's Justices of the Peace, in and for the District of
in Bengal, the day of 184 ,
who on Oath saith :—

Taken by me

Signature of Deponent.

Justice of the Peace.

No. 2.

Deposition of a Native Witness.

The Information and Deposition of being a Mahomedan (or Hindoo or Quaker, as the case may be,) taken upon solemn affirmation before me of Her Majesty's Justices of the Peace, in and for the District of
in Bengal, the day of 184 , who on solemn affirmation saith :—

No. 3.

Summons.

District of Cawnpore
To wit
Magistrate's Office.
} By Esq. Justice of the Peace for Cawnpore, and for the Provinces of Bengal, Behar and Orissa.

You are hereby required personally to be and appear at the Police Court on the day of 184 , at o'clock to answer to a complaint preferred against you by for assaulting and beating him on the night of the instant.

No.

Given under my hand, this 184 . } *Justice of the Peace.*

To Mr.

No. 4.

Warrant of Arrest.

To Nazir of the Criminal Court of and Darogha of Thanah and to all other Constables, and other Peace Officers within the Provinces, Districts, and Countries of Bengal, Behar and Orissa.

These are in Her Majesty's name to command you to apprehend and take the body of having been charged before me (name of Justice in full) one of Her Majesty's Justices of the Peace, on the oath of with having feloniously, maliciously assaulted one with a bludgeon by inflicting three blows on the said whereby he lingered, languished, and soon after died, and bring him the said before me, or any other of Her Majesty's Justices of the Peace, at their Office in aforesaid, to answer the said charge, and to be further dealt with according to law.

Given under my hand and seal, this day of 184 . } *Justice of the Peace.*

No.

No. 5.

Examination of a Christian Prisoner.

The Examination of
taken before me
of Her Majesty's Justices of the Peace in and for the district of
in Bengal, the day of
184 . The said examinant being charged on the oaths of
and
with having feloniously (or as the case may be)

saith (whatever prisoner pleases, after being cautioned not to say any thing to criminate himself.)

(Prisoner's signature.)

Taken by me

Justice of the Peace.

No. 6.

Examination of a Native Prisoner.

The examination of
taken by
of Her Majesty's Justices of the Peace, in and for the district of
in Bengal, the day
of 184 . The said examinant being charged on the solemn affirmation

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No. 7.

Commitment for Re-examination.

To the Darogha of the Criminal Jail of

Receive into your custody the body of herewith sent you, he the said being charged before me (name of Justice in full) one of Her Majesty's Justices of the Peace on the oath of with having feloniously stolen, taken, and carried away articles of the value of (100) one hundred Rupees, of good and lawful money of Bengal, the property of the said (or as the case may be) and him the said safely keep for further examination until the day of 184

Given under hand and seal, this day of 184 . } *Justice of the Peace.*

No. 8.

Commitment for Larceny, &c.

To Nazir of the Criminal Jail of

Receive into your custody the body of herewith sent you, he the said being charged before me (name of Justice in full) one of her Majesty's Justices of the Peace, acting in and for the at in Bengal, upon the oaths of two credible witnesses with having on the day of in the year of our Lord one thousand, eight hundred and forty feloniously, &c. (as the case may be) the same as Form And him the said safely keep to hard labor for the space of when you will bring him again before me, in order that he may be discharged by due course of law.

Given under my hand and seal, this day of 184 . }

Justice of the Peace.

No. 9.

Commitment for Assault in default of Fine.

To Darogha of the Criminal Jail of
Receive into your custody the body of
herewith sent you, he the said
having on the day of 184 , been convicted by me (name of Justice in full) Esquire, one of Her Majesty's Justices of the Peace, acting in and for the District of in the Agra Presidency, on the oaths of credible witnesses, for having on the day of in the year of our Lord 184 within the said Agra Presidency aforesaid, assaulted and beat one and having been ordered and adjudged by me to pay a fine of fifty Company's Rupees, and in default of paying the same to be committed to the Criminal Gaol of for the period of one month, unless such fine be sooner paid, which said fine, he the said not having paid, therefore him the said safely keep in the Criminal Gaol of aforesaid for a period of one month from this present day, unless he the said shall sooner pay and discharge the said fine ; and in case he the said shall not have sooner paid, and discharged the said fine, you are hereby directed to bring him the said at the expiration of his said term of imprisonment before me, in order to his being discharged by due course of Law.

Given under my hand and seal,
this day of 184 .

Justice of the Peace.

No. 10.

Commitment for Trial in Calcutta.

To the Sheriff of the Town of Calcutta, and Factory of Fort

William in Bengal and to the Keeper of Her Majesty's Prison at Calcutta.

Receive into your custody the body of herewith sent you, he the said being charged before me, (name of Justice in full) one of Her Majesty's Justices of the Peace, in and for the Town of Calcutta, at Fort William in Bengal on the solemn affirmation of for that he the said did feloniously, &c. (as the case may be), see Form and him the said safely keep until he shall be discharged by due course of law.

Given under my hand and seal, this day of 184 . } *Justice of the Peace.*

No. 11.

Recognizance to Prosecute at the Sessions.

District of Cawnpore. } Be it remembered, that on the day of in the year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith and so forth: A. B. of in the province of Bengal aforesaid personally came before me (name of Justice in full) one of the Justices of our said Lady the Queen, assigned to keep the peace, within the provinces of Bengal, Behar and Orissa, and acknowledged himself to be indebted to our said Lady the Queen, in the sum of one thousand Company's Rupees of good and lawful money of Bengal aforesaid, to be made and levied of his goods, and chattels, lands and tenements, personally to the use of our said Lady the Queen, her heirs and successors, if the said shall fail in performing the condition underwritten.

The condition of this Recognizance is such, that if the above bounden

shall personally be and appear, on the first and on the following days, at the next Sessions of Oyer and Terminer, and Gaol Delivery, to be holden in and for the Town of Calcutta and Factory of Fort William, in Bengal, and shall then and there prefer a Bill of Indictment against for Larceny and shall then and there give evidence of all such matters and things as shall have come to his knowledge, and can be objected to the said on the said Bill of Indictment, and in case such Bill of Indictment shall be found, then if the saith shall prosecute the same with effect; and shall then and there attend from day to day, and shall not depart the Court without leave thereof, then this obligation is to be void, and of no effect, otherwise to be and remain in full force and virtue.

(Signature of A. B.)

Taken and acknowledged the day and year first above written before me,

Justice of the Peace.

No. 12.

Recognizance to give Evidence at the Sessions.

District of Cawnpore } Be it remembered that on the day of in the year of the reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth: A. B. of , C. D. of and E. F. of severally came before me (name of Justice in full) one of the Justices of our said Lady the Queen, assigned to keep the Peace within the provinces of Bengal, Behar, and Orissa, and acknowledged themselves severally to be indebted to our said Lady the Queen, in the sum of Company's Rupees five hundred of good and lawful money of Bengal aforesaid, to be made and levied of their goods and chat-

tels, lands, and tenements, severally to the use of our said Lady the Queen, her heirs and successors, if the said A. B., C. D. and E. F. shall fail in performing the condition under written.

The condition of this Recognizance is such, that if the above bounden A. B., C. D., and E. F., shall personally be and appear on the first and on the following days at the next sessions of Oyer and Terminer, and Gaol Delivery, to be holden in and for the Town of Calcutta, and Factory of Fort William in Bengal, and shall then and there severally attend from day to day to give evidence of all such matters and things as shall have come to their knowledge, and can be objected against G. H. on a Bill of Indictment to be preferred against G. H. upon the prosecution of I. K. and if the said A. B., C. D. and E. F. shall then and there attend from day to day, and not depart the Court without leave thereof, then this Recognizance to be void and of no effect, otherwise to be and remain in full force and virtue.

Taken and acknowledged the day and year first above written before me,	Signature of A. B. Ditto of C. D. Ditto of E. F.

Justice of the Peace.

No. 13.

Recognizance of Prisoner and Sureties to Indictment.

District of Cawnpore } Be it remembered that on the day of in the year of the reign of our Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth: (names in full) A. B., C. D. and E. F. securities, severally came before me (name of Justice in full,) one of the Justices of our said Lady the Queen, assigned to keep the peace within the provinces of Bengal, Behar, and Orissa, and acknowledged themselves to be indebted to our said Lady the Queen, in the sum of two thousand Company's Rupees,

that is to say, the said A. B. in the sum of one thousand Company's Rupees, and the said C. D. and E. F. in the sum of five hundred Company's Rupees each, of good and lawful money of Bengal aforesaid, to be respectively made and levied of their several goods, and chattels, lands, and tenements, to the use of our said Lady the Queen, her heirs and successors, if the said A. B. shall fail in performing the condition under written.

The condition of this Recognizance is such, that if the above bounden A. B. shall personally be and appear on the first and on the following days, at the next sessions of Oyer and Terminer, and Gaol Delivery, to be holden in and for the Town of Calcutta, and Factory of Fort William in Bengal, and shall then and there attend from day to day, to answer to any Bill of Indictment that may be presented against him by (Prosecutor), and shall then and there abide, and undergo the order of the said Court, and shall not depart the Court, without leave thereof, then this Recognizance to be void, and of no effect, otherwise to be and remain in full force and virtue.

Taken and acknowledged the day and year first above written before me,	A. B.'s. Signature. C. D.'s. Do. E. F.'s Do.

Justice of the Peace.

No. 14.

Discharge or Liberation.

To the Darogha of the Criminal Jail of

Discharge out of your custody the body of A. B. committed by my warrant, dated the day of 184 .

Given under my hand and seal, this day of 184 .

Justice of the Peace.

No. 15.

Deposition for Swearing the Peace.

The information and complaint of A. B.

District of

taken upon oath before me (name of Justice in full,) one of Her Majesty's Justices of the Peace for the the day of 184 , who says that one C. D., who saw the deponent in the street, threatened to take his life, and that from the above threats used by the said C. D. towards this complainant, this complainant is afraid that the said C. D. will do him some bodily injury, and therefore prays that the said C. D. may be required to find sufficient sureties to keep the peace and be of good behaviour towards him the said complainant, and the said A. B. also says, that he does not make this complaint against, nor require sureties from the said C. D. from any malice or ill will, but merely for the preservation of his person from injury.

Sworn the day and year abovementioned before me, } A. B.'s Signature.

Justice of the Peace.

No. 16.

Warrant for Apprehension to swear the Peace.

To A. B., Nazir of the Criminal Court of and to all other Constables, and other Peace Officers within the Provinces, Districts, and Countries of Bengal, Behar, and Orissa.

These are in Her Majesty's name to command you to apprehend and take the body of C. D. having been charged before me (name of Justice in full,) one of Her Majesty's Justices of the Peace, on the oath of E. F. with having used threats by which the said E. F. apprehends some bodily injury from him the said C. D., and there-

fore the said E. F. craves securities of the peace may be given by the said C. D. and bring him the said C. D. before me, or any other of Her Majesty's Justices of the Peace at their Office in aforesaid, to find such securities, and to be further dealt with according to law.

Given under my hand and seal this day of 184 } *Justice of the Peace.*

No. 17.

Recognizance with Sureties to keep the Peace.

District of } Be it remembered that on the day of in the year of the reign of our Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth : (names in full) A. B., C. D. and E. F. sureties, severally came before me (name of Justice in full,) one of the Justices of our said Lady the Queen, assigned to keep the peace, within the provinces of Bengal, Behar, and Orissa, and acknowledged themselves to be indebted to our said Lady the Queen, in the sum of two thousand Company's Rupees, that is to say, the said A. B. in the sum of one thousand Company's Rupees, and the said C. D. and E. F. in the sum of five hundred Company's Rupees each, of good and lawful money of Bengal aforesaid, to be made and levied of their goods, and chattels, and lands and tenements, severally to the use of our said Lady the Queen, her heirs, and successors, if the said A. B. shall fail in performing the condition under written.

The condition of this Recognizance is such that if the above bounden A. B. shall keep the peace, and be of good behaviour toward all Her Majesty's liege subjects, but more especially towards G. H., for the space of one year, then this obligation to be

void, and of no effect, otherwise to be and remain in full force and virtue.

Taken and acknowledged the day and year first above written before } *Justice of the Peace.*

No. 18.

Personal Recognizance.

District of } Be it remembered, that on the day of in the year of the reign of our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth : A. B. came before me (name of Justice in full,) one of the Justices of our said Lady the Queen, assigned to keep the peace within the provinces of Bengal, Behar, and Orissa, and acknowledged himself to be personally indebted to our said Lady the Queen, in the sum of five hundred Company's Rupees of good and lawful money of Bengal aforesaid, to be made and levied of his goods, and chattels, lands and tenements, personally to the use of our said Lady the Queen, her heirs and successors, if the said A. B. shall fail in performing the condition under written. The condition of the Recognizance is such, that if the above bounden A. B. shall keep the peace and be of good behaviour toward all her Majesty's liege subjects, but more especially towards C. D. for the space of one year, then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue.

Taken and acknowledged the day and year first above written before me, } A. B.'s Signature.

Justice of the Peace.

No. 19.

Commitment in Default of Sureties for Good Behaviour.

To A. B., Nazir of the Criminal Court of

Receive into your custody the body of C. D., herewith sent you, he the said C. D., being charged before me (name of Justice in full) one of Her Majesty's Justices of the Peace, on the oath of E. F., with having used threats towards the said E. F., by which the said E. F. apprehends danger to his life, and him the said C. D., safely keep until he shall find securities for keeping the peace, towards the said E. F. or until the (period exceeding one year) next.

Given under my hand and seal, this day of 184 . } *Justice of the Peace.*

No. 20.

Oath.

The evidence you shall give in this case shall be the truth, the whole truth, and nothing but the truth, so help you God.

ABRIDGEMENT

OF THE

CONSTRUCTIONS AND CIRCULAR ORDERS

RELATING TO THE

Duties of Justices of the Peace, and Magistrates, together with an abstract of some of the more important

ACTS AND REGULATIONS.

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1. European British subjects, for all acts of a Criminal nature, are amenable only to the Supreme Court of Judicature at Calcutta.—Reg. 2, 1796, Sect. 2, Cl. 1.

2. Magistrates, who have taken oaths as Justices of the Peace, holding any British European subject to bail, or committing him to the Jail at Calcutta, must send the original papers to the Clerk of the Crown, and copies to the Secretary to Government, who shall lay them before the Governor General in Council, who shall determine whether the party shall be prosecuted at the public expense. In cases of difficulty, they should first apply to Government for instructions; and all prisoners are at liberty to employ Counsel or Attorney, and after being held to bail or committed to prison, are entitled, on demand, to have copies of the examinations of the witnesses, on payment of a reasonable sum for the same.—Reg. 15, 1806, Sect. 2; Reg. 22, 1839, Sects. 2 and 3; C. O. No. 59, 12th December, 1809.

3. Magistrates not qualified as Justices of the Peace,

upon information lodged before them on oath of a Criminal offence having been committed by a European British subject, which by the Law of England is not bailable, shall, after enquiry, apprehend, and forward him, under a suitable guard, to the Magistrate of Calcutta, together with the witnesses, and a letter stating the nature of the case. He shall also send a copy of the proceedings to the Secretary to Government; and pay to the prosecutor, and witnesses, some small sum for their subsistence, not exceeding a daily allowance of 2 annas.—Reg. 2, 1796, Sect. 3; Reg. 15, 1806, Sect. 3; C. O. No. 59, 12th December, 1809; Cons. No. 20, 3d May, 1806.

4. In all cases when Europeans are committed by Magistrates in the Mofussil to take their trial before the Supreme Court, the depositions should be forwarded to the Honourable Company's Solicitor, in order that they may be advised of the evidence which should be brought forward in such cases.—C. O. N. A. 16th November, 1839.

5. A Magistrate requiring advice on any point connected with his duties, and powers, as Justice of the Peace, should consult the Advocate General by applications forwarded to him through the Sudder Court.—Cons. No. 446, 9th March, 1827 (vide Orders of Govt. dated 6th February, 1843;) C. O. of S. N. A. dated 21st April, 1843.

6. The Court recorded their opinion that there appeared no reason why a European British subject, charged by a native with assault under 53 Geo. III. Cap. 155, Section 105, should not be allowed the privilege of appearing by Attorney, which is enjoyed by natives.—Cons. No. 570, 30th July, 1830.

7. An assistant to a Magistrate is not competent to take cognizance of complaints against European British subjects to the extent specified in 53 Geo. III. Cap. 155, Sect. 105, as the power in question can only be exercised by a person

possessing the full powers of Magistrate.— Cons. No. 595, 17th June, 1831.

8. Any officer exercising the full powers of Joint Magistrate, is competent to take cognizance of charges against European British subjects.—53 Geo. III. C. 155, Sect. 105; C. O. No. 57, 3d Sept., 1830; Cons. No. 900, 12th Sept., 1834.

9. The deposition of an English European witness, must be taken in the English language.—Cons. No. 1035, 12th Augt., 1836.

10. An appeal shall lie from all sentences passed by any Justice of the Peace, acting within the local limits of Her Majesty's Supreme Courts, upon conviction had before him for any offence, and from all sentences passed by any Magistrate upon conviction had before him, exercising such jurisdiction as aforesaid, to the same authority and subject to the same rules, as are provided by the Regulations, and Acts of Government, in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction; and cases so made the subject of appeal shall not be afterwards liable to revision by means of a Writ of Certiorari.—Act IV. of 1843, Sect. 1.

11. The above clause shall not be held to take away the power of quashing any conviction by means of a Writ of Certiorari in any other case, than when there has been such appeal as aforesaid.—Act IV. of 1843, Sect. 2.

12. Any person using menacing gestures or expressions, or otherwise obstructing justice, in the presence of the Magistrate, Joint Magistrate, or other officer empowered to try Criminal cases, or in any superior or inferior Court, "Penalty"—fine not exceeding Rs. 200, commutable to imprisonment for any period not exceeding one month; but when no proceedings have been held under the above clause in

the Court where the offence was committed, any party amenable by the Supreme Court, may be indicted as for a misdemeanor.—Act XXX. of 1841, Sect. 1.

13. Magistrates are competent under 53 Geo. III., Cap. 155, Sect. 105, to punish European British subjects when convicted of assault, forcible entry, or other injury accompanied by force not amounting to felony, with a fine not exceeding five hundred Rupees, to be levied by distress; if not paid, imprisonment in some secure place for a period not exceeding two months; fine to be transmitted to the Clerk of the Crown. If two or more distinct offences of this nature were charged separately, the Court were aware of no reason why the sentence on conviction should not also be separate. The Court further observed that in such cases, confinement was authorized only in default of payment of fine; and if on investigation, the Magistrate was of opinion that the offender ought to be brought to trial before the Supreme Court, he should proceed in the usual manner, referring the case for the information and orders of Government.—Cons No. 632, 8th April, 1831.

14. On requiring security on a recognizance to keep the peace from a European British subject, the Magistrate is not restricted as to the amount by the penalty he is authorized to levy from such European British subject by 53 Geo. III. Cap. 155, Sect 105, as in the event of a breach of the peace occurring, the Magistrate cannot levy the penalty of the bond, it being expressly declared by the Circular Orders of Government to the Commissioners of Circuit, under date 9th June, 1830, that the only proceeding for the forfeiture of the penalty is the Supreme Court.—Cons. No. 826, 6th Sept., 1833.

15. A Magistrate, though a Justice of the Peace, cannot compel an European British subject under Clause 3, Sect.

6, Reg. 7, 1819, to pay the wages of a servant.*—Cons. No. 340, 25th May, 1821.

16. Although the European British subject as master, cannot be proceeded against, the Magistrate may proceed on his complaint against servants, or workmen, they being amenable to the Magistrate's authority.—Cons. No. 345, 20th July, 1822.

17. Complaints of petty Criminal offences against British subjects, such as do not warrant commitment for trial before the Supreme Court, were not meant to be included in the provisions contained in Sect. 2, Reg. 2, 1796, and Sect. 19, Reg. 7, 1803, when the Magistrate is not qualified to act as Justice of the Peace —Cons. No. 20, 3d May, 1806.

18. On the authority of the case of Mandeville in the printed Reports of the Nizamut Adawlut, page 111, Vol. 2, it was held that the party claiming exemption from the jurisdiction of the Company's Courts, on the ground that he is an European, is bound to prove his plea.—Cons No. 759, 5th February, 1833.

19. The illegitimate son of an European British subject by a Native mother, can be tried by the local authorities on a charge of adultery; but a married woman, the legitimate child of a British father, is not amenable to the local Courts on a similar charge preferred against her by her husband.—Cons. No. 978, W. C. 11th September, C. C. 9th Oct., 1835.

20. The provisions of Sect. 4, Reg. 7, of 1819, for compelling a person to provide for his wife and children, are not applicable to European British subjects as dependants.—No. 1141, C. C., and W. C. 23d March, 1831.

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* It has been ruled by the Nizamut Adawlut, that wages, not exceeding 50 Rupees, due by European British subjects (not attached to the Army) may be recovered under Statute 53, Geo III Cap 155, Sect. 106.

21. When European subjects may be implicated in offences with native subjects, the latter cannot be tried for the offence, without the orders of the Nizamut Adawlut.—C. O. No. 79, 4th January, 1811.

22. British European subjects residing in the interior of the country, being guilty of illegal acts, violence, injustice, or oppression, towards the natives, in the production of Indigo, or other commercial transactions, "Penalty"—To be reported to the Nizamut Adawlut, who shall forward the statement to Government with their opinion thereon.—C. O. No. 286, 30th April, 1824.

23. Any European British subject, charged with felony, being a Commissioned or non-Commissioned Officer, serving with any body of Troops in the service of Her Majesty, or of the East India Company, at any place not within the Territories of Fort William situated above 120 miles from the Presidency; or being a person attached to such a body of Troops as is specified in the 4th Geo. IV. Cap. 81, Sections 45 and 60, "Penalty"—To be delivered up to the Commanding Officer of the nearest Military Station.—Reg. 20, 1825, Sect. 2.

24. All powers whatever in Criminal cases, which may be exercised by two Justices of the Peace, within and for the provinces, districts, and countries of Bengal, Behar and Orissa, and within and for the Presidency of Fort William in Bengal, and places thereto subordinate, may be exercised by one Justice of the Peace.—Act XXXII. 1838, Sect. 1.

25. It shall be lawful for any one such Justice to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. III. Cap. 52, and every such warrant shall have the same force, as if it were issued under the seal and signature of two

Justices. All such powers exercised, and warrants issued by one Justice of the Peace, shall be deemed legal, and valid.—Reg. 32, 1838, Sects. 2 and 3.

26. No action for wrong or injury shall lie in the Supreme Court, against any Magistrate or other person exercising a Judicial Office in the Mofussil Courts, for any judgment, decree or order of the said Court, or against any person for any act done by or in virtue of the order of the said Court.—21 Geo. III. Cap. 70, Cl. 24.

27. The Mofussil Courts are protected by the above Clause from actions for things done within their jurisdiction, though erroneously or irregularly done; but they are liable for things done wholly without jurisdiction, provided they had no knowledge, or means of knowledge, of which they ought to have availed themselves, that they were without jurisdiction (vide Morton's Reports, pages 397 and 399 in the case of Calder versus Halkett.)

28. Mofussil Courts shall not assist in the execution of decrees of the Supreme Court, unless a writ directing execution shall be issued by that Court.—Cons. No. 567, 23rd July, 1830.

29. In execution of a decree of the Supreme Court, the Magistrate was considered to have acted judiciously in refusing to use forcible means to oust a third party from property in their possession. He was told he should confine his aid, and assistance to the Sheriff's Bailiff to preventing any breach of the peace.—Cons. No. 800, 21st June, 1833.

30. When a writ of Capias is issued by the Supreme Court, against parties resisting in the Mofussil, Magistrates are bound to take such measures as may seem necessary to ensure the peaceable execution of the legal process within the limits of their own jurisdiction. They are not to aid the Bailiff in breaking into a house, but they may accom-

pany him if he enter the premises without breaking in, and ought to prevent any breach of the peace, when the arrest is made; or rescue, after it has been made. When the Bailiff may apprehend personal violence from the prisoner, he may take steps to have his prisoner bound in heavy penalties towards him. Opinion of the Advocate General circulated by the Western Court, with letters Nos. 766 and 936 of the 12th of June, and 10th July, 1846.

31. The Governor General in Council is empowered under Act 21, Geo. III., Cap. 65, to appoint Covenanted servants of the Company, or other British inhabitants whom he may think properly qualified, to act as Justices of the Peace, and the Magistrates of Zillahs and Cities are accordingly appointed and directed to take the prescribed oath, as soon as they visit the Presidency.—Reg. 2, 1796, Sect. 1.

32. The Zillah and City Magistrates shall take the prescribed oath, as Justices of the Peace, within six months from the date of their appointments.—Reg. 2, 1796, Sect. 4.

33. Whenever an European British subject is found wandering about, and is deemed insane, the Magistrate of the District shall direct the transmission of such person, under a proper guard, to the Sudder Station, and cause him to be carefully examined by the Civil Surgeon. If on such examination, coupled with other proof, the Magistrate shall be satisfied that it is dangerous for such person to be permitted to go abroad, he shall send him under a proper guard, and with a certificate under his seal and signature, to what may be judged the most convenient place for his reception and confinement, which will probably be the Presidency Insane Asylum, securing the lunatic's property, and intimating his state to any relation or friend he may be known to have in India. Any such relation forthcoming is

competent to take charge of his property.—C. O. No. 85, 30th April, 1840. Descriptive Roll to be sent.—C. O. No. 104, dated 18th March, 1842.

34. The Magistrate shall sell by auction any personal property such lunatic may possess, for the payment of the charges of removal, maintenance, clothing, medicine, and care of the lunatic, and shall keep an account of what expenditure he may incur himself in his own office, and remit so much of the amount as may be needed to meet the above charges elsewhere.—C. O. No. 85, 30th April, 1840.

35. If there be not sufficient property, or no property at all forthcoming, and no friends or relations are discoverable to take charge of the insane, the Magistrate is authorized to disburse the necessary expenses for the transmission of the patient to the Asylum, and his subsistence in transit, charging the same in his contingent bill, which shall be duly countersigned by the Sessions Judge.—C. O. No. 85, 30th April, 1840.

36. The Magistrate will report each case to the Secretary to Government in the Judicial Department, soliciting special instructions, if necessary, on any occasion. —C. O. No. 85, 30th April, 1840.

37. Held that Sects. 33 and 35, Act XVII. 1837, (for punishing certain offences against the Post Office laws) are not applicable to European British subjects resident in the Mofussil, as those persons have not by any Act of the Legislature, been made amenable to the local authorities, in the administration of the penal enactments of the Government of India.—Cons. No. 1296, W. C. 21st May, C. C. 18th June, 1841.

38. European British subjects were not liable to the Chowkeedarce assessment, until they were made liable by Sect. 3, Reg. 15, 1837.—Cons. No. 411, 23d Dec., 1825.

39. A European British subject in his petition of appeal from the decision of a Magistrate, falsely and maliciously aspersing the character of that officer, is liable to be punished for contempt of Court.—Cons. W. C. 4th August, 1837.

40. Justices of the Peace have jurisdiction in cases of debt not exceeding the sum of fifty Rupees due from any British European subject to a native of India.—53 Geo. III. Cap. 155, Sect. 106.

(Repealed as to debts due from officers, and soldiers, being British subjects by 4th Geo. IV. Cap. 81, Sect. 57.)

INDEX

TO THE ABRIDGEMENT OF CONSTRUCTIONS, ETC.

European British Subjects.—Amenable only to the Supreme Court, ... No. 1

——— Relative to Magistrates who have taken the Oaths as Justices of the Peace, ... 2

——— Magistrates, not qualified as Justices of the Peace how to act, ... 3

——— When committed, Magistrates how to proceed, 4

——— Magistrate, how to proceed when he requires advice as Justice of the Peace, ... 5

——— Permitted to appear by Attorney when charged with assault, ... 6

——— Assistant to a Magistrate not competent to take cognizance of charges against 7

——— Joint Magistrates may hear complaints against 8

——— Depositions of a European witness to be taken in English, ... 9

——— Appeals from Justice of the Peace to whom to be preferred, ... 10 & 11

——— Punishment for Contempt of Court, ... 12

——— Powers of Magistrates, not being Justices of the Peace, in regard to, ... 13

——— Magistrates not restricted as to the amount of Security, on a recognizance to keep the peace required from, ... 14

——— Cannot be prosecuted under Regulation VII. of 1819, ... 15

——— May prosecute servants and workmen, under Regulation VII. of 1819, ... 16

European British Subjects.—Relative to petty criminal offences, when the Magistrate is not a Justice of the Peace, 17

——— Claiming exemption from jurisdiction, must prove their plea, ... 18

——— An illegitimate son by a native mother, amenable to the local Courts on a charge of adultery. A legitimate female child of a British father being married, not amenable, ... 19

——— The Provisions of Sect. 4, Reg. 7 of 1819, not applicable to them as Defendants, ... 20

——— Implicated with Natives, ... 21

——— Guilty of Oppression, ... 22

——— Charged with felony being a Commissioned, or a non-Commissioned Officer, ... 23

——— Powers of two Justices to be exercised by one, 24

——— A Justice has power to levy arrears of assessment by distress, ... 25

——— Magistrates, when amenable to the Supreme Court, and when not, ... 26 & 27

——— Magistrates how to aid the Civil power in the execution of decrees, ... 28, 29 & 30

——— Governor General empowered to appoint Justices of the Peace, ... 31

——— All Zillah Magistrates to take the prescribed Oaths, ... 32

——— Insane how to be dealt with, ... 33, 34, 35 & 36

——— In the Mofussil not subject to Post Office Laws, 37

——— Liable to Chowkeedar's assessment, ... 38

——— In appeal, falsely and maliciously aspersing the character of the Magistrate, ... 39

——— Amenable to Justices of the Peace for small debts, 40